

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED
AUG 20 2018
Clerk, U.S. District Court
District Of Montana
Missoula

TRAVIS CLINTON RHETT
PLANTIKO,

Plaintiff,

vs.

MARC JOHNSON,

Defendant.

CV 17-49-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on June 19, 2018, recommending that this matter should be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with the Court's order. (Doc. 35 at 4-6.) Plaintiff failed to timely object to the Findings and Recommendation and so has waived the right to de novo review thereof.¹ 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and

¹ While Plaintiff did file a "Notice" (Doc. 37) with the Court, the Court is unwilling to construe this as an objection. Plaintiff's Notice is illegible and incoherent (what can be deciphered appears to be a grocery list). (Doc. 37 at 1-4.) Consequently, the Court will proceed as though no objection has been received.

firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

After reviewing for clear error and finding none,

IT IS ORDERED that Judge Lynch’s Findings and Recommendation (Doc. 35) are ADOPTED IN FULL and this matter is DISMISSED pursuant to Federal Rule of Civil Procedure 41(b).

IT IS FURTHER ORDERED that the Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Federal Rule of Appellate Procedure 24(a)(3)(A) that any appeal of this decision would not be taken in good faith.

IT IS FURTHER ORDERED that any pending motions should be terminated.

DATED this 20th day of August, 2018.



Dana L. Christensen, Chief Judge
United States District Court